

AMENDED IN SENATE APRIL 20, 2016

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 873**

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**Introduced by Assembly Member Jones**

February 26, 2015

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An act to amend, repeal, and add Section 9880.1 of the Business and Professions ~~Code~~ *Code*, relating to automotive repair.

### LEGISLATIVE COUNSEL'S DIGEST

AB 873, as amended, Jones. Automotive repair.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. Existing law regulates the business of automotive repair and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as persons who, among other things, repairs motor vehicles.

Existing law defines the “repair of motor vehicles” to mean all maintenance of, and repairs to, motor vehicles, except repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor services.

Existing law defines “automotive technician” as a dealer, or a person employed by a dealer, who performs maintenance, diagnostics, repair, removal or installation of specified integral automotive components, but excluding minor services, as set forth above.

This bill would require the director to adopt regulations prior to January 1, ~~2017~~, 2018, defining “minor services” for these purposes.

*This bill would, until January 1, 2018, include installation of propulsive batteries in the definition of “repair of motor vehicles.”*

This bill, commencing January 1, ~~2017~~, 2018, would recast the definition of “repair of motor vehicles,” to delete the listing of the various types of excluded minor services and also would exclude roadside services, as defined, and would similarly recast the definition of “automotive technician,” to delete these references and to delete provisions describing the specific work to be performed by an automotive technician. *The bill, commencing January 1, 2018, would include the services performed by an operator of a tow truck owned or operated by a person or entity enrolled in the Basic Inspection of Terminals program, as specified, in the definition of “roadside services.”*

This bill would provide that the regulations adopted by the director, prior to January 1, ~~2017~~, 2018, defining “minor services” continue in effect on and after January 1, ~~2017~~, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 9880.1 of the Business and Professions
- 2 Code is amended to read:
- 3 9880.1. The following definitions apply for the purposes of
- 4 this chapter:
- 5 (a) “Automotive repair dealer” means a person who, for
- 6 compensation, engages in the business of repairing or diagnosing
- 7 malfunctions of motor vehicles.
- 8 (b) “Chief” means the Chief of the Bureau of Automotive
- 9 Repair.
- 10 (c) “Bureau” means the Bureau of Automotive Repair.
- 11 (d) “Motor vehicle” means a passenger vehicle required to be
- 12 registered with the Department of Motor Vehicles and all
- 13 motorcycles whether or not required to be registered by the
- 14 Department of Motor Vehicles.
- 15 (e) “Repair of motor vehicles” means all maintenance of and
- 16 repairs to motor vehicles performed by an automotive repair dealer
- 17 including automotive body repair work, but excluding those repairs
- 18 made pursuant to a commercial business agreement and also
- 19 excluding repairing tires, changing tires, lubricating vehicles,

1 installing light bulbs, batteries, *except propulsive batteries*,  
2 windshield wiper blades and other minor accessories, cleaning,  
3 adjusting, and replacing spark plugs, replacing fan belts, oil, and  
4 air filters, and other minor services, which the director, by  
5 regulation, determines are customarily performed by gasoline  
6 service stations.

7 No service shall be designated as minor, for purposes of this  
8 section, if the director finds that performance of the service requires  
9 mechanical expertise, has given rise to a high incidence of fraud  
10 or deceptive practices, or involves a part of the vehicle essential  
11 to its safe operation.

12 (f) "Person" includes firm, partnership, association, limited  
13 liability company, or corporation.

14 (g) An "automotive technician" is an employee of an automotive  
15 repair dealer or is that dealer, if the employer or dealer repairs  
16 motor vehicles and who for salary or wage performs maintenance,  
17 diagnostics, repair, removal, or installation of any integral  
18 component parts of an engine, driveline, chassis, or body of any  
19 vehicle, but excluding repairing tires, changing tires, lubricating  
20 vehicles, installing light bulbs, batteries, *except propulsive*  
21 *batteries*, windshield wiper blades, and other minor accessories;  
22 cleaning, replacing fan belts, oil and air filters; and other minor  
23 services which the director, by regulation, determines are  
24 customarily performed by a gasoline service station.

25 (h) "Director" means the Director of Consumer Affairs.

26 (i) "Commercial business agreement" means an agreement,  
27 whether in writing or oral, entered into between a business or  
28 commercial enterprise and an automobile repair dealer, prior to  
29 the repair which is requested being made, which agreement  
30 contemplates a continuing business arrangement under which the  
31 automobile repair dealer is to repair any vehicle covered by the  
32 agreement, but does not mean any warranty or extended service  
33 agreement normally given by an automobile repair facility to its  
34 customers.

35 (j) "Customer" means the person presenting a motor vehicle for  
36 repair and authorizing the repairs to that motor vehicle. "Customer"  
37 shall not mean the automotive repair dealer providing the repair  
38 services or an insurer involved in a claim that includes the motor  
39 vehicle being repaired or an employee or agent or a person acting  
40 on behalf of the dealer or insurer.

(k) Prior to January 1, ~~2017~~, 2018, the director shall adopt comprehensive regulations defining “minor services” as used in this section.

(l) This section shall remain in effect only until January 1, ~~2017~~, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date. 2018.

SEC. 2. Section 9880.1 is added to the Business and Professions Code, to read:

9880.1. The following definitions apply for the purposes of this chapter:

(a) “Automotive repair dealer” means a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

(b) “Chief” means the Chief of the Bureau of Automotive Repair.

(c) “Bureau” means the Bureau of Automotive Repair.

(d) “Motor vehicle” means a passenger vehicle required to be registered with the Department of Motor Vehicles and all motorcycles whether or not required to be registered by the Department of Motor Vehicles.

(e) “Repair of motor vehicles” means all maintenance of and repairs to motor vehicles performed by an automotive repair dealer including automotive body repair work, but excluding those repairs made pursuant to a commercial business agreement, minor services as determined through regulations adopted by the director, and roadside services.

No service shall be designated as minor, for purposes of this section, if the director finds that performance of the service requires mechanical expertise, has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

(f) “Person” includes firm, partnership, association, limited liability company, or corporation.

(g) An “automotive technician” is an employee of an automotive repair dealer or is that dealer, who for salary or wage repairs motor vehicles as set forth in subdivision (e).

(h) “Director” means the Director of Consumer Affairs.

(i) “Commercial business agreement” means an agreement, whether in writing or oral, entered into between a business or

1 commercial enterprise and an automobile repair dealer, prior to  
2 the repair which is requested being made, which agreement  
3 contemplates a continuing business arrangement under which the  
4 automobile repair dealer is to repair any vehicle covered by the  
5 agreement, but does not mean any warranty or extended service  
6 agreement normally given by an automobile repair facility to its  
7 customers.

8 (j) "Roadside services" means the services performed upon a  
9 motor vehicle for the purpose of transporting the vehicle or to  
10 permit it to be operated under its own power, by or on behalf of a  
11 motor club holding a certificate of authority pursuant to Chapter  
12 2 (commencing with Section 12160) of Part 5 of Division 2 of the  
13 Insurance Code. *Code or by an operator of a tow truck, as defined*  
14 *in Section 615 of the Vehicle Code, that is owned or operated by*  
15 *a person or entity who possesses a valid motor carrier permit, as*  
16 *described in Section 34620 of the Vehicle Code, and is enrolled*  
17 *in the Basic Inspection of Terminals program, as described in*  
18 *Section 34501.12 of the Vehicle Code.*

19 (k) "Customer" means the person presenting a motor vehicle  
20 for repair and authorizing the repairs to that motor vehicle.  
21 "Customer" shall not mean the automotive repair dealer providing  
22 the repair services or an insurer involved in a claim that includes  
23 the motor vehicle being repaired or an employee or agent or a  
24 person acting on behalf of the dealer or insurer.

25 (l) The regulations adopted by the director, prior to January 1,  
26 2017, 2018, defining "minor services" for the purposes of this  
27 section shall continue in effect on and after January 1, 2017, 2018.  
28 The director may, thereafter, amend or repeal those regulations,  
29 as he or she deems necessary and consistent with this chapter.

30 (m) This section shall become operative January 1, 2017, 2018.